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DOCKET NO. D-1998-019 CP-2

DELAWARE RIVER BASIN COMMISSION

**Southeastern Pennsylvania
Ground Water Protected Area**

**Warwick Township Water & Sewer Authority
Water Supply Interconnection Project
Warwick Township, Bucks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by Ebert Engineering, Inc. on behalf of Warwick Township Water & Sewer Authority (WTWSA) to the Delaware River Basin Commission (DRBC or Commission) on August 6, 2012 (Application), for a renewal and approval of a subsidiary water allocation interconnection project in the Ground Water Protected Area of Southeastern Pennsylvania. The Public Water Supply Permit Modification was reviewed under the Pennsylvania Safe Drinking Water Act and approved by the Pennsylvania Department of Environmental Protection (PADEP) in correspondence dated October 16, 2012 Warwick Township Water and Sewer Authority (Permit No. PA1090127).

The application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 and for a withdrawal permit under Section 10.3 of the *Delaware River Basin Compact*. The Bucks County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on December 5, 2012.

A. DESCRIPTION

1. Purpose. The purpose of this project is to renew the approval of an existing subsidiary water allocation of up to 24.8 million gallons per month (mgm) via a current interconnection with Aqua Pennsylvania and to approve an additional subsidiary water allocation of up to 24.8 mgm via a new interconnection with North Wales Water Authority (NWWA), for a total subsidiary allocation of up to 49.6 mgm. The water will be supplied from the Forest Park Water

Treatment Facility (FPWTF) (D-1965-076 CP-8 and D-1965-076 CP-9), which is jointly owned by the NWWA and North Penn Water Authority (NPWA).

2. Location. The project interconnection with Aqua PA is located in Warwick Township, Bucks County, Pennsylvania. The water mains run along various local and state roads from County Line Road in Warminster Township, Bucks County northward to Bristol Road and off-road northward to the site of the authority's water storage tank on Dark Hollow Road in Warwick Township, as shown in the interconnection route map submitted with the application. The proposed interconnection with NWWA is located approximately 120 feet northwest of the intersection of Bristol Road and Long Pond Drive in Warwick Township, Bucks County, which is also shown in the interconnection route map submitted with the application.

Specific location information has been withheld for security reasons.

3. Area Served. The docket holder's water distribution system serves Warwick Township as indicated on the map entitled "General Plan of Public Water Service for Warwick Township", as submitted with the application.

4. Physical features.

a. Design criteria. The WTWSA system currently serves an estimated population of 11,977 through 3,993 service connections with an average and maximum water demand of 0.783 million gallons per day (mgd) and 1.48 mgd, respectively. The docket holder projects an average and maximum water demand of 0.863 mgd and 1.631 mgd, respectively, by the year 2022.

b. Facilities. The WTWSA system is connected to the Aqua PA system via a water main on County Line Road, Warminster Township northward to the WTWSA's water storage tank on Dark Hollow Road in Warwick Township. There are 16-inch diameter cement-lined ductile iron pipes that run along various local and state roads and right-of-ways. The WTWSA utilizes a potable water interconnection with Aqua PA as its primary supply to service its existing customers.

The WTWSA proposes a water interconnection with NWWA. This interconnection will provide an alternate means of potable water transmission to the WTWSA system. The NWWA has an existing 16-inch water main at the intersection of Bristol Road and Long Pond Drive in Warwick Township, Bucks County. The project proposes the installation of an 8-inch ductile iron pipe main which will run approximately 80 linear feet to a proposed meter vault.

The WTWSA system is also connected to two other systems, Warminster Municipal Authority and Warrington Township Water & Sewer Authority for emergency purposes only. There are two interconnections with Warminster, one metered to supply up to 0.05 mgd and another to supply up to 0.200 mgd. An interconnection with Warrington can supply up to 0.05 mgd.

The WTWSA has ten groundwater supply wells that were included into the Comprehensive Plan in Docket No. D-1994-072 CP. These wells are currently not in service. Docket No. D-1994-072 CP expired on September 19, 2006. WTWSA did not apply for renewal of the docket and no longer has the Commission's approval for a water withdrawal allocation and use from these well. The docket holder has terminated the use of the Authority's wells, which had an allocation of 22.73 mgm. The WTWSA plans on abandoning these wells in the near future.

All water service connections are metered.

The project facilities are above the 100-year flood elevation.

The WTWSA distribution system has interconnections with Warminster Municipal Authority and Warrington Township Water & Sewer Authority for emergency purposes only.

Storage facilities consist of three storage tanks with a combined capacity of 1.2 mg, which is approximately 1.5 days' supply for WTWSA.

c. **Other.** Wastewater is conveyed to the Fish Creek sewage treatment facility which received approval most recently under Section 3.8 of the Compact by DRBC Docket No. D-1996-059 CP on April 30, 1997. The PADEP issued its most recent NPDES Permit No. PA0050148 on April 13, 2011 for this treatment facility. Wastewater is also conveyed to the Country Crossing sewage treatment plant which received approval most recently under Section 3.8 of the Compact by DRBC Docket No. D-1996-024 CP on September 19, 1996. The PADEP issued its most recent NPDES Permit No. PA0056421 on July 21, 2008 for this treatment facility.

d. **Construction Cost .** The overall cost of this project is estimated to be \$182,500.

e. **Relationship to the Comprehensive Plan.** The docket holder's subsidiary water allocation and interconnection were previously included in the Comprehensive Plan by DRBC Docket No. D-1998-019 CP, which was approved on June 24, 1998. The docket holder's wells were previously included in the Comprehensive Plan by DRBC Docket No. D-1994-072 CP, which was approved on September 19, 1996. DRBC Docket No. D-1994-072 CP expired on September 19, 2006 and has not been renewed.

B. FINDINGS

The project water supply transfer is designed to conform to the requirements of the Water Policy of the Commission, including *Water Code Article 2.40*, regarding regionalization to support regional solutions to water collection and distribution problems.

The project does not conflict with the Comprehensive Plan, which is designed to prevent substantial adverse impact to the water resource related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The project is located within the Southeastern Pennsylvania Ground Water Protected Area delineated by the DRBC pursuant to Compact Section 10.2. The project is designed to conform to the requirements of the *Water Code*, *Water Quality Regulations and Ground Water Protected Area Regulations (GWPAR)* of the DRBC.

Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd

Section 2.1.8 of the Water Code states that it is the policy of the Commission to establish a standardized water audit methodology for owners of water supply systems serving the public to ensure accountability in the management of water resources. Voluntary Water Audits were encouraged for public water supply systems through December 31, 2011 (Section 2.1.8.B.). Effective January 1, 2012, the owners of each public water supply system are required to implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance (Section 2.1.8.C). The results of the first annual water audit shall be submitted to the Commission by March 31, 2013. Subsequent annual water audits shall be submitted annually to the Commission by March 31 every year thereafter.

The project does not conflict with the Comprehensive Plan, and is designed to prevent substantial adverse impact to the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The DRBC estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of 10 percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D. of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

C. DECISION

- I. Effective on the approval date for Docket No. D-1998-019 CP-2 below:
 - a. DRBC Docket No. D-1994-072 CP is terminated removed from the Comprehensive Plan; and,
 - b. Docket No. D-1998-019 CP is terminated and removed from the Comprehensive Plan to the extent that its project is not included in Docket No. D- 1998-019 CP-2.
 - c. The project and the appurtenant facilities described in the Section A “Physical Features” of this docket shall be added to the Comprehensive Plan.

II. The project as described in the Section A “Physical features” is approved pursuant to Section 3.8 of the *Compact* and is granted this withdrawal permit pursuant to Section 10.3 of the *Compact* and *GWP*AR, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. Within 60 days (February 5, 2013), the docket holder shall provide written confirmation to the Commission that it has registered and reported with PADEP all surface and groundwater sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

b. The operational records shall be available at all times for inspection by the DRBC.

c. The project interconnection shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any month period, the total potable water transfers shall not exceed 49.6 mgm.

e. The project interconnections shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported annually by March 31, to the Bureau of Watershed Management, PADEP. Withdrawal records shall be available at any time to the Commission if requested by the Executive Director.

f. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

g. The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

h. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

i. The docket holder shall implement to the satisfaction of the Bureau of Watershed Management, PADEP, a drought or other water supply emergency plan.

j. In accordance with DRBC Resolutions No. 87-6 (Revised) and No. 2009-1, the docket holder shall continue to implement to the satisfaction of the Bureau of Watershed Management and the PADEP, the systematic program to monitor and control leakage within the

water supply system. The program shall at a minimum include: periodic surveys to monitor leakage, enumerate non-revenue water and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a schedule for the implementation of such recommendations. The docket holder shall proceed expeditiously to correct leakages and unnecessary usage identified by the program.

k. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the Water Code, the docket holder shall implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding guidance. The results of the first annual water audit shall be submitted to the Commission by March 31, 2013. Subsequent annual water audits shall be submitted annually to the Commission by March 31 every year thereafter.

l. The docket holder shall implement to the satisfaction of the Bureau of Watershed Management and PADEP, a continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the Bureau of Watershed Management, PADEP, on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

m. This approval of the construction related to the interconnection as described in paragraph A.4.b of this docket shall expire three years from date below unless prior thereto the docket holder has commenced operation of the subject project or has provided the Executive Director with written notification that it has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

n. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams.

o. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

p. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

q. As the allocation of transferred potable water approved under this docket is less than the docket holder's predicted 10-year usage maximum, the docket holder shall undertake studies of additional sources to supplement its existing water supply and shall file a progress report thereon with the DRBC annually, from the date of this approval.

r. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement ("Statement") signed by the docket holder's professional engineer for the project. The Statement must (a) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (b) report the project's final construction cost as such cost is defined by the

project review fee schedule in effect at the time application was made; and (c) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the applicant to calculate the DRBC project review fee, the statement must also include (d) the amount of any outstanding balance owed for DRBC review. Such outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project's final cost, using the formula and definition of "project cost" set forth in the DRBC's project review fee schedule in effect at the time application was made. This docket approval shall expire three years from the date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

s. The area served by this project is limited to the service area as described above. Any expansion beyond this area is subject to review in accordance with Section 3.8 of the *Compact* and the *GWP*AR.

t. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to re-issue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

u. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the right to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

v. If any information demonstrates that the operation of this project significantly affects or interferes with any domestic or other existing wells or surface water supplies, or if the docket holder receives a complaint by any user of wells or surface water supplies within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by users of wells or surface water supplies within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. Any well or surface water supply which is substantially adversely affected, or rendered dry or otherwise unusable as a result of the docket holder's project withdrawal, shall be repaired, replaced or otherwise mitigated at the expense of the docket holder in accordance with Section 10B of the *GWP*AR. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as

practicable. The Executive Director shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required. The Executive Director may modify or suspend this docket approval, or require mitigating measures, pending additional review.

w. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

x. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator, to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

y. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE:

EXPIRATION DATE: December 5, 2022